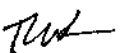


**FOURTH AMENDMENT
TO
VOLUNTARY CLEANUP CONTRACT
16-6071-NRP**

**IN THE MATTER OF
CHARLESTON NAVAL BASE –
OFF-BASE PARCELS -- SOUTHERN ACCESS PARCELS AND GROUP C PARCEL,
CHARLESTON COUNTY
and
SOUTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF PUBLIC
RAILWAYS D/B/A PALMETTO RAILWAYS**

WHEREAS, on July 28, 2016, the South Carolina Department of Commerce, Division of Public Railways d/b/a Palmetto Railways, ("Palmetto Railways") entered into Voluntary Cleanup Contract 16-6071-NRP ("Contract") with the South Carolina Department of Health and Environmental Control ("Department") pursuant to the Brownfields/Voluntary Cleanup Program, S.C. Code Ann. § 44-56-710 *et seq.* (2002 & Supp. 2015); the South Carolina Hazardous Waste Management Act ("HWMA"), S.C. Code Ann. § 44-56-10, *et seq.* (2002 & Supp. 2015), the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601, *et seq.* (1994), and the Pollution Control Act, S.C. Code Ann. § 48-1-10, *et seq.* (2008 & Supp. 2015) with respect to certain parcels of property located along English Street, North Charleston, South Carolina. The Contract addressed the transfer of approximately 1.52 acres to Palmetto Railways composed of six (6) parcels identified by Tax Map Serial Number(s) 469-16-00-057, 469-16-00-398, 469-16-00-399, 469-16-00-400, 469-16-00-401, and 469-16-00-402.

WHEREAS, on November 15, 2016 Palmetto Railways entered into the First Amendment to the Contract to include approximately 6.8 acres identified as Groups B,C, and D parcels. The property addressed in the First Amendment is identified by Tax Map Serial Number(s) TMS Nos. 469-12-00-234, -235, -236, -265, -380, -389, -391, and -394; 469-16-00-297, -333, -334, -335, -336, -337, -338, -373, -374, -108, -109, -110, -155, -156, -157, -158, -200, -201, -204, -244, -296, -375, -386, and -388.



WHEREAS, on March 20, 2017 Palmetto Railways entered into the Second Amendment to the Contract to include approximately 2.21 acres composed of eleven parcels. The property in the Second Amendment is identified by Tax Map Serial Number(s) 469-12-00-266, 469-12-00-267, 469-12-00-292, 469-12-00-293, 469-12-00-294, 469-12-00-295, 469-12-00-318, 469-12-00-319, 469-12-00-320, 469-12-00-321, and 469-12-00-322.

WHEREAS, on May 31, 2017 Palmetto Railways entered into the Third Amendment to the Contract to include approximately 1.92 acres composed of the parcels as legally described in Appendix A to the Third Amendment and referred to as the Off-Base Parcels Road Right of Ways ("RoW Parcels").

WHEREAS, Palmetto Railways is now prepared to receive an additional conveyance of 1.7 acres described as Charleston County Tax Map Serial Numbers 464-02-00-020, 464-02-00-017, and 464-02-00-092. This property is referred to as the "Southern Access Parcels." Additionally, Palmetto Railway shall receive a 0.10 acre parcel described as Charleston County Tax Map Serial Number 469-16-00-392 and is referred to as a Group C Off-Base Parcel ("Group C Parcel").

WHEREAS, the parties hereto desire to amend the Contract to include the 1.7 acres identified as the Southern Access Parcels and the 0.10 acre Group C Off-Base Parcel, as described more fully in Appendix A herein. Upon execution of this Fourth Amendment, the Fourth Amendment shall be incorporated into and made a part of the Contract..

WHEREAS, based on the information known by or provided to the Department, the following findings are asserted for purposes of the Contract and this Fourth Amendment:

Owners and Operators: The owners and operators of the Southern Access
Parcels and Group C Off-Base Parcel include the following:

Southern Access Parcels

TMS 464-02-00-017

Owner	From / To
Maggie Magwood	7/23/1953 – 1960
George W. Fabian, Jr.	1960 – 2/13/2004
Fabian Properties, LP	2/13/2004 – 5/24/2006
Gateway Properties of Greater Charleston, LLC	5/24/2006 - Present

TMS 464-02-00-020

Owner	From / To
Sumter Utilities, Inc, f/k/a Sumter Builders, Inc., f/k/a Utilities Construction Co., Inc., f/k/a Quanta XLIV Acquisition, Inc., f/k/a Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc. of South Carolina	11/8/1965 – 10/7/2005
Charleston Neck Partners	10/7/2005 – 4/25/2006
Hibernian Heights, LLC	4/25/2006 - Present

TMS 464-02-00-092

Owner	From / To
Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc. of South Carolina	4/5/1962 – 9/20/1983
Ermo Marketing Company (successor by merger to Port Oil Inc.)	9/20/1983 – 2/24/1998

THK

Marathon Oil Company	2/24/1998 – 1/19/2005
Jeffrey Allen Romfro and William James Lynch Jr.	1/19/2005 – 12/21/2005
Joan P. Frazier and Christopher G. Frazier	12/21/2005 - Present

Group C Off-Base Parcel (Group C Parcel)

TMS 469-16-00-392

Owner	From / To
F&W Enterprises	10/2/1964 – 1/10/1979
Lorraine Moore Bowers & Wayne E. Bowers	1/10/1979 – 4/10/1981
F&W Enterprises	4/10/1981 – 4/28/1983
Iris Stree Apartments, LP	4/28/1983 – 2/27/1987
F&W Enterprises	2/27/1987 – 3/7/1988
John T. Abbate	3/7/1988 – 7/21/1998
Iris Street Limited Partnership	7/21/1998 – 9/13/2007
Clement Limited Partnership	9/13/2007 – 10/26/2007
1800 Iris Street, LLC	10/26/2007 - Present

The Southern Access Parcels comprises three non-contiguous parcels as described below. These parcels will be developed as the southern rail loop associated with the Naval Base Intermodal Facility ("NBIF").

TMS No. 464-02-00-092 is bounded generally to the north by commercial property; to the east by Harmon Street; to the south by Milford Street; and to the west by industrial properties and is currently occupied by Frazier's Ironworks. One structure containing an office and metal working area is located on the parcel. Miscellaneous equipment and supplies are staged in the greenspace adjoining the structure. Three pole-mounted transformers are located on the southern parcel boundary adjacent to Milford Street.

pur

The transformers appear to be in good visible condition with no obvious signs of leaks. Each pole-mounted transformer was labeled as "Non-PCB", or not containing PCBs.

TMS No. 464-02-00-020 is bounded generally to the north and east by industrial properties; to the south by Milford Street; and to the west by Anthony Street and is currently occupied by Applied Building Sciences Inc. ("ABS"). The ABS facility is composed of a two-story office structure and an associated parking lot. Various environmental testing supplies are located in the northeast portion of the property as well as two steel "conex" containers. Two abandoned monitoring wells are located in a parking lot in the northern portion of the parcel. The wells are believed to be associated with Utilities Construction Company regarding a documented petroleum release (Permit Number 01403) on the northern adjoining property. The Department's Underground Storage Tank ("UST") Program issued a no further action ("NFA") on February 8, 2008.

TMS No. 464-02-00-017 is bounded generally to the north by commercial property; to the east by Meeting Street; to the south by greenspace; and to the west by rail with King Street beyond and is currently occupied by e-Lifespaces, an in-home technology provider. A parking lot is located in the northern portion of the parcel with greenspace located on the southern portion of the parcel.

The Group C Parcel (TMS 469-16-00-392), which is currently used as a laundrymat, is bounded generally to the north, west, and east by residential properties; and to the south by Iris Street with residential properties beyond. The Group C Parcel was historically used for residential purposes and will be developed as part of the berm structure associated with the Naval Base Intermodal Facility.

NOW THEREFORE IT IS AGREED, that Voluntary Cleanup Contract 16-6071-NRP is hereby amended to include and address the 1.7 acres identified as the Southern Access Parcels and the 0.10 acre Group C Off-Base Parcel as described in Appendix A

TUK

to this Fourth Amendment, and further acreages that may be added to the Contract by later amendments.

ASSESSMENT OF ENVIRONMENTAL MEDIA

Assess soil quality across the Property:

1. Palmetto Railways shall collect and analyze a minimum of twelve (12) soil samples from six (6) locations. Palmetto Railways shall collect one surface soil sample (0-1 foot below ground surface) and one subsurface soil sample (2 foot minimum depth) from the following locations:
 - a. Two locations along the east boundary of TMS No. 464-02-00-017 adjacent to the rail line;
 - b. Two locations within the parking area of TMS No. 464-02-00-092;
 - c. One location on the northeastern corner of TMS No. 464-02-00-020; and
 - d. One location on the Group C Parcel.
2. Unless otherwise specified above, each surface soil sample shall be analyzed for TAL-Metals and SVOCs. Each subsurface sample shall be analyzed for TAL-Metals, VOCs and SVOCs. A minimum of one surface and one subsurface sample shall be analyzed for the full EPA-TAL (includes cyanide) and EPA-TCL.
3. Soil quality results shall be compared to the EPA RSL Resident and Industrial Screening Levels and to the applicable Protection of Groundwater SSL.

Assess groundwater quality:

4. Palmetto Railways shall assess groundwater quality on the following parcels. Assessment shall include samples from a minimum of three (3) monitoring wells to be installed to bracket the water table. The wells shall be installed at the following locations:
 - a. One well shall be installed at TMS No. 464-02-00-017 adjacent to the rail line;
 - b. One well shall be installed at TMS No. 464-02-00-092; and

PKR

- c. One well shall be installed at TMS No. 464-02-00-020.
5. Two groundwater samples shall be analyzed for TAL-Metals, VOCs and SVOCs, and one groundwater sample shall be analyzed for the full EPA-TAL (includes cyanide) and EPA-TCL.
6. Groundwater quality results shall be compared to the primary maximum contaminant level (MCL) standards in the State Primary Drinking Water Regulations, 4 S.C. Code Ann. Regs. 61-58 (2011 & Supp. 2015, as amended), or, if not specified in R.61-58, to the EPA RSL for "Tapwater."

FURTHER IT IS AGREED that this Fourth Amendment in no way affects or alters the Contract or Amendments thereto except as specifically provided herein and such Contract, and any prior Amendments to such Contract, remain in full force and effect subject to this Fourth Amendment.

[Remainder of page left blank]

SIGNATORS

The signatories below hereby represent that they are authorized to and do enter into this Fourth Amendment on behalf of their respective parties.

**THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL**

Daphne Neel, Chief
Bureau of Land and Waste Management

DATE: _____

Reviewed by Office of General Counsel

DATE: _____

**SOUTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF PUBLIC
RAILWAYS, d/b/a PALMETTO RAILWAYS**

BY: JE 14

DATE: 6/12/17

T. Ravenel Director of Special Projects
Printed Name and Title

Thw

APPENDIX A

South Carolina Department of Commerce, Division of Public Railways d/b/a
Palmetto Railways

Applications for Non-Responsible Party Voluntary Cleanup Contract

May 4, 2017 (Off-Base Parcels – Southern Access)

May 19, 2017 (Off-Base Parcels – Group C)

May 4, 2017

VIA Federal Express

Mr. Jerry Stamps
Brownfields/Voluntary Cleanup Program
Division of Site Assessment, Remediation, and Revitalization
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
301 Gervais Street
Columbia, South Carolina 29201

Re: Submittal of NRP-VCC Application
Off-Base Parcels - Southern Access
Milford Connection A
Palmetto Railways
PLF File No.: 339-007

Dear Mr. Stamps,

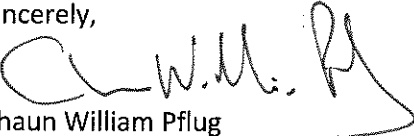
On behalf of the South Carolina Department of Commerce, division of Public Railways d/b/a Palmetto Railways ("Railways"), I am hereby submitting Railways' Non Responsible Party Application for Voluntary Cleanup Contract to the South Carolina Department of Health and Environmental Control for approximately 1.7 acres of parcels, identified as TMS Numbers 464-02-00-017, -020, and -092, in Charleston, Charleston County, South Carolina all of which are part of the southern connection loop for the Naval Base Intermodal Facility.

Enclosed are the following:

1. Non Responsible Party Application for Voluntary Cleanup Contract;
2. A plat and legal descriptions describing the properties to be covered;
3. A list of previous owners, operators, and potentially responsible parties; and
4. CD of S&ME's Phase 1 Environmental Site Assessment Report for the Off-Base Parcels - Southern Access - Milford Connection A.

If you have any questions or need further information, please contact me as set forth above.

Sincerely,


Chaun William Pflug

cc: Tarek Ravenel, Director of Facilities & Special Projects

RECEIVED

MAY 05 2017

SITE ASSESSMENT,
REMEDICATION &
REVITALIZATION



Non Responsible Party Application for Voluntary Cleanup Contract

I. Applicant Information

1. Applicant is a: ☒ Single Entity ☐ Co-Entity (Each Co-Entity must complete items 1-8)
2. Applicant Type: ☐ Private Individual /Sole Proprietorship ☐ For-profit Business (Corp., Partnership, etc.) ☐ Tax-Exempt Trust/ Corporation/ Organization ☒ Government / Other Public Funded Entity
3. Applicant's Legal Name The South Carolina Department of Commerce, Division of Public Railways d/b/a Palmetto Railways

4. Contract Signatures for this Applicant

a. Authorized Signatory

Tarek Ravenel Director Facilities&Special Projects TRavenel@Palmettorail.com

Name	Title	Email
540 East Bay Street	843-727-2067	
Address	Phone1	Phone2
Charleston	SC	29403
City	State	Zip

b. Other Signatories ☒ None

Name	Title	Phone	Email	Signature Required On Contract?
		() -		<input type="checkbox"/>
		() -		<input type="checkbox"/>
		() -		<input type="checkbox"/>

5. Physical Location of Applicant's Headquarters

540 East Bay Street

Street address	SC	Suite Number
Charleston		29403
City	State	Zip

6. Mailing address: ☒ Same as Authorized Signatory Go to question 7

Contact person (if different from Authorized Signatory) Title

Street Number or PO Box Phone1 Phone 2

City State Zip Email

7. Company Structure Information ☒ Not-applicable (Local Government, Sole Proprietorship, Private Individual) - Go to Question #8

- a. Company is Incorporated/ Organized/ Registered in _____ (state)
- b. List all principals, officers, directors, controlling shareholders, or other owners with >5% ownership interest.

Attach additional pages if needed.

Name	Name

- c. Is the applicant a subsidiary, parent or affiliate of any other business organization not otherwise identified on this form?
- ☐ Yes ☒ No

- d. If yes, identify all affiliations: _____

8. Non-Responsible Party Certification

By signature below, it is affirmed that no person or entity identified anywhere above:

1. Is a current owner of the property
2. Is a Responsible Party for the site
3. Is a parent, successor, or subsidiary of any Responsible Party or owner of the property
4. Has had any involvement with the property in the past other than activities performed in anticipation of participation in the Voluntary Cleanup Program

Authorized Signatory

Co Signatories

II. Property Information

9. Location

a. Physical Address 1799 Meeting St.; 1932 Milford St.; 1890 Milford St. (all in Charleston, SC 29405).

b. County Charleston

c. ☐ Property is outside any municipal boundaries ☒ Property is inside the municipal limits of Charleston
(town/city)

10. List any Companies or Site names by which the Property is known

11. Total Size of Property Covered by this Contract 1.7 Acres

12. How many parcels comprise the Property? 3

13. Current Zoning (general description)

General Business
Business Park

14. a. Does the property have any above- or below-ground storage tanks? ☐ Yes ☒ No

b. If Yes, provide information on the number and capacity of the tanks, their contents, and whether they will be retained, or closed and/or removed.

15. Parcel Information Complete the information below for each Parcel (attach additional sheets if needed)

a. Tax Map Parcel# 464-02-00-020
b. Acreage .69
c. Current Owner Hibernian Heights LLC.
d. Owner Mailing Address 1890 Milford St.
Charleston, SC 29405

e. Contact Person for Access Chaun W. Pflug
f. Access Person's Phone # 843-647-7774
g. Is Parcel Currently Vacant? ☐ Yes ☒ No
h. Buildings on the parcel? ☐ None
(check all that apply) ☐ Demolished/Ruins
☒ Intact, To be demolished
☐ Intact, To be re-used
i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
(approx date)
☒ In operation: nature of the
business Applied bldg science

a. Tax Map Parcel# 464-02-00-017
b. Acreage .55
c. Current Owner Gateway Properties, LLC
d. Owner Mailing Address 768 Millidenhall Rd.
Mt. Pleasant, SC 29464

e. Contact Person for Access Chaun W. Pflug
f. Access Person's Phone # 843-647-7774
g. Is Parcel Currently Vacant? ☐ Yes ☒ No
h. Buildings on the parcel? ☐ None
(check all that apply) ☐ Demolished/Ruins
☒ Intact, To be demolished
☐ Intact, To be re-used
i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
(approx date)
☒ In operation: nature of the
business technology

a. Tax Map Parcel# 464-02-00-092
b. Acreage .46
c. Current Owner Christopher Frazier
d. Owner Mailing Address 1249 Robin Road
Mt. Pleasant, SC 29464

e. Contact Person for Access Chaun W. Pflug
f. Access Person's Phone # 843-647-7774
g. Is Parcel Currently Vacant? ☐ Yes ☒ No
h. Buildings on the parcel? ☐ None
(check all that apply) ☐ Demolished/Ruins
☒ Intact, To be demolished
☐ Intact, To be re-used
i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
(approx date)
☒ In operation: nature of the
business metal works

a. Tax Map Parcel# _____
b. Acreage _____
c. Current Owner _____
d. Owner Mailing Address _____

e. Contact Person for Access _____
f. Access Person's Phone # _____
g. Is Parcel Currently Vacant? ☐ Yes ☐ No
h. Buildings on the parcel? ☐ None
(check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
(approx date)
☐ In operation: nature of the
business _____

a. Tax Map Parcel# _____
b. Acreage _____
c. Current Owner _____
d. Owner Mailing Address _____

e. Contact Person for Access _____
f. Access Person's Phone # _____
g. Is Parcel Currently Vacant? ☐ Yes ☐ No
h. Buildings on the parcel? ☐ None
(check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
(approx date)
☐ In operation: nature of the
business _____

a. Tax Map Parcel# _____
b. Acreage _____
c. Current Owner _____
d. Owner Mailing Address _____

e. Contact Person for Access _____
f. Access Person's Phone # _____
g. Is Parcel Currently Vacant? ☐ Yes ☐ No
h. Buildings on the parcel? ☐ None
(check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
(approx date)
☐ In operation: nature of the
business _____

III. Property Redevelopment

16. Describe the intended re-use of the property:
(attach additional sheets if necessary)

Portion of the Naval Base Intermodal Facility ("NBIF"). Location of the southern rail loop into the NBIF.

17. a. Will the future use include any chemical processes, petroleum or chemical storage and handling, on-site waste disposal, or generate any hazardous substances? ☒ Yes ☐ No
b. If Yes, identify the substances and discuss steps that will be taken to prevent their release to the environment.
See Exhibit A

18. Will redevelopment lead to the creation of permanent jobs on the property? ☒ Yes Anticipated Number See Exhibit B
☐ No

19. Projected Increase to the Tax Base as a result of this redevelopment: \$ TBD

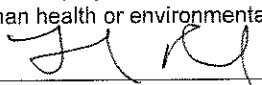
20. a. Will there be Intangible benefits from this redevelopment such as:
☐ LEED, Earth Craft, EnergyStar, or similar certification of Sustainable Development
☐ Creation / Preservation of Green Space on the Property
☐ Deconstruction/ Recycling of demolition or building debris
☒ Other Public purpose benefit to support the NBIF Project.

- b. Please Describe:

21. Anticipated date of closing or acquiring title to the property Anticipated / Summer / 2017

22. Redevelopment Certification

By signature below, the applicant(s) affirm that their proposed use and activities will not knowingly aggravate or contribute to existing contamination or pose significant human health or environmental risks on the property.


Signature(s)

IV. Project Management And Financial Viability (Co-Entities, refer to instruction sheet)

23. Environmental Consulting Firm
☐ None as of this application date

S&ME, Inc.

Company

620 Wando Park Blvd.

Mount Pleasant

SC

29464

Address

City

State

Zip

Chuck Black

17955

843-884-0005

cblack@smeinc.com

Project Contact1

S.C PE/PG Reg. #

Phone1

Phone 2

email

Project Contact 2

S.C PE/PG Reg. #

Phone1

Phone 2

email

24. Legal Counsel (Optional)

The Pflug Law Firm, LLC

Firm

Chaun W. Pflug, Esq.

843-647-7774

Attorney

Phone 1

Phone 2

211 Scott Street

Mount Pleasant

SC

29464

cpflug@pfluglaw.com

Street Number or PO Box

City

State

Zip

email

25. Applicant's Billing Address ☐ Same as Contact person in #6 above Go to question #26

Financial Contact

Title

Company

Phone

Address

City

State

Zip

26. Financial Viability

By signature(s) below, the applicant agrees to:

1. Pay the Department's costs upon receipt of invoices for implementing the Voluntary Cleanup Program for this Property, and
2. Provide financial statements, if requested, to document financial viability to conduct the response actions on the Property.

☒ Waiver Requested (Check Box If applicable)

The applicant is a Local Government or qualifies as a 501(c) Non-Profit Organization, and requests waiver of some Departmental costs of implementing this contract.

Signatures

V. Application Completion (The following are required along with this form. Check applicable boxes)

27. The Legal Description of the Property is attached as a: ☒ Plat Map ☐ Metes and Bounds Text ☐ Both

28. The Phase I Environmental Site Assessment Report is attached as a:

☒ New report completed in the past six months by S&ME, Inc.

(Name of Environmental Firm)

☐ Older report updated in the past six months by _____

(Name of Environmental Firm)

29. Environmental sampling data and other reports: (check one)

☐ The Applicant is not aware of any environmental testing on the property☐ The Applicant believes the Department already has all environmental data in its files on: _____

(Site Name)

☒ The Following reports are attached:

Report Date

Report Name

Environmental Firm

May 2, 2017

Phase I Environmental Site Assessment

S&ME, Inc.

Off Base Tracts - Milford Connection A

S&ME Project # 4213-15-248

30. Mailing addresses of Former Owners, Operators and other Potentially Responsible Parties:(check one)

☒ Enclosed with this Application as an Attachment☐ Will be submitted along with (or before) the signed contract

31. The applicants attest by signature below that this application is accurate to their best knowledge. Furthermore, the applicants request DHEC evaluate the Property for inclusion in the Brownfields Voluntary Cleanup Program and draft a Non-Responsible Party Contract for the Property.

Signature(s)

This Section for Department Use Only

Assigned File Name

Eligible for NRP Contract

Y N

Assigned File Number

Assigned Contract Number

Exhibit A
Response to Section 17(b)

Where applicable the Navy Base Intermodal Facility ("NBIF") will have a Spill Prevention Control and Countermeasure ("SPCC") plan to provide management and on-going training for petroleum based or other oils stored on site. Containments will be inspected and secondary storage quantities will be calculated and constructed to insure that adequate storage and capture volume are present in case of a failure. The NBIF will be required to obtain a NPDES permit and prepare and implement a Stormwater Pollution Prevention Plan ("SWPPP"). The permit and plan will include measures for minimizing impacts to stormwater and receiving waters, and will include requirements for inspections, periodic monitoring, and reporting.

NBIF operations may include the shipping and receiving of hazardous materials, which will pass through NBIF. Any management of hazardous materials will be in accordance with applicable OSHA, EPA, and DOT regulations.

Exhibit B
Response to Section 18

SIMONS & DEAN

ATTORNEYS AT LAW

147 WAPPOO CREEK DRIVE, SUITE 604 | CHARLESTON, SC 29412 | 843.762.9132 | FAX: 843.406.9913

Keating L. Simons, III klsimons@charlestonattorneys.net

Derek F. Dean dfdean@charlestonattorneys.net

May 4, 2017

Mr. Jerry Stamps
Brownfields/Voluntary Cleanup Program
Division of Site Assessment, Remediation, and Revitalization
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

**RE: Submittal of NRP-VCC Application
Off-Base Tracts - Southern Access
TMS Numbers 464-02-00-017, -020, and -092
Jobs Letter
PLF File No.: 339-007**

Dear Mr. Stamps:

I serve as general counsel to the South Carolina Department of Commerce Division of Public Railways d/b/a Palmetto Railways ("Railways"). In that regard, and in relation to Railways' proposed Naval Base Intermodal Facility ("NBIF"), and more particularly as relates to Railways' Voluntary Cleanup Contract - Non Responsible Party Application for three of the Off-Base Tracts, Southern Access, TMS Numbers 464-02-00-017, 464-02-00-020, and 464-02-00-092, which are part and parcel thereof, I have been asked to provide you with a synopsis of the types of jobs that would be created as a result of the new NBIF.

The information set forth below was derived after consultation with Railways's engineering firm CDM Smith. CDM Smith as you may well know is a full service transportation and infrastructure consulting firm located in Columbia, South Carolina. Railways' has enjoyed a long and mutually collaborative relationship with CDM Smith.

This information was developed without the benefit of performing an economic study. Economic impact analysis typically measures the jobs, income and value-added associated with a facility's construction (short-term) and operation (long-term), as well as user-industries (long-term) that transport goods through the facility. Facility construction and operation impact assessment is generally straightforward. However, much larger impacts could be associated with user-industries, which are more complicated to estimate.

Impact measures comprised of three types were used to developed the below list.

- Direct impacts – Associated with constructing the NBIF, its operations and industries that use the NBIF.
- Indirect impacts – The businesses that provide support materials and services to the NBIF construction, operation or user industries
- Induced impacts – The impacts associated with the local responding of *direct* and *indirect* earned income.

Jobs will be created during the construction and operation phase of the NBIF. While the construction jobs are short-term in nature relatively speaking, the NBIF operation jobs will endure through the foreseeable future. For simplicity we have combined the Direct and Indirect job Impacts as shown below:

1. Direct and Indirect Impacts:

Construction of the facility:

- a) Design Engineer; Engineers, Designers and Technicians/Draftsmen, Surveyors;
- b) Railroad, Road, Building Utility and Building Contractors and Subcontractors;
- c) Management Team; Project Manager, Administrative Personnel, Superintendents, Foremen;
- d) Material Suppliers, steel, concrete, asphalt, pipe, fuel, aggregate, ballast, cross ties;
- e) Equipment Suppliers; cranes, train engines, bull dozers, loaders, rollers, compactors, other vehicles, communications, electrical power components;
- f) Equipment Operators and Mechanics; track-hoes, dozers, cranes, lifts, rollers, pavers, water truck, track spiker, track tamper, track regulator;
- g) Trade specialists; truck drivers, plumbers, carpenters, electricians, welders, HVAC, painters, technicians;
- h) Materials Testing; all (asphalt, concrete, steel, aggregate, etc.;
- i) Laborers; all disciplines (rail construction, roadway and bridge construction, utility construction, building construction);
- j) Construction Oversight and Inspection; Resident Engineer, Inspectors specialized in concrete, asphalt, bridges, rail construction, utility construction, building construction, highway construction, surveyors.

Terminal Operations and Maintenance:

- a) Terminal management - terminal manager, supervisor(s), clerical help;
- b) Equipment operators - cranes, yard tractors, hostlers;
- c) Train and engine crews;
- d) Transport drivers;
- e) Maintenance men and repairman - terminal equipment and infrastructure, containers, railroad motive power and rolling stock;
- f) Gate attendants.

The induced job impacts span a wide range of consumer services since the impacts reflect

the “respending” of wages and salaries earned by direct and indirect related impacts. These typically generate a much larger job impact than Direct and Indirect but require a more detailed study to estimate. Induced Impacts will include but not be limited to local consumer services ranging from grocers to food service to legal services to furniture retailers and other types of services.

As originally conceived NBIF design and planning began in February 2011 and construction is anticipated to conclude during calendar year 2019 barring any unanticipated setbacks.

With best regards, I am

Yours very truly,

Derek F. Dean

DFD/

cc: Chaun Pflug, Esq. (via facsimile only)

Exhibit C
Section 17

Plats & Legal Descriptions



A.H. SCHWACKE & ASSOCIATES, INC.
LAND SURVEYING & CONSTRUCTION LAYOUT
1975 FRANKLIN AVENUE PHONE 843-782-7005 FAX 843-782-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

XC 625PG808

REFERENCE:

PLAT BY KEMP C. AHRENS
DATED APRIL 20, 2001
BOOK EE PAGE 926
RMC CHAS. CO.

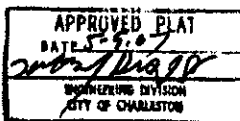
TAX MAP No. 484-02-00-017

OWNER:

GATEWAY PROPERTIES OF
GREATER CHARLESTON, LLC

LINE	BEARING	DISTANCE
L1	S 83°28'34" W	9.68'
L2	N 57°24'08" E	5.79'

Charleston, South Carolina
Office of Registrar Means Conveyance
2007, at
Plat recorded this 10th day of May, 2007, at
2:39 p.m. in the 2nd District, 2nd Floor, 13, Drawing No. 22.
Original for (A. H. Schwacke & Associates, Inc.) delivered to City of Charleston.
Respect Means Conveyance



Required by Chas Co RMC

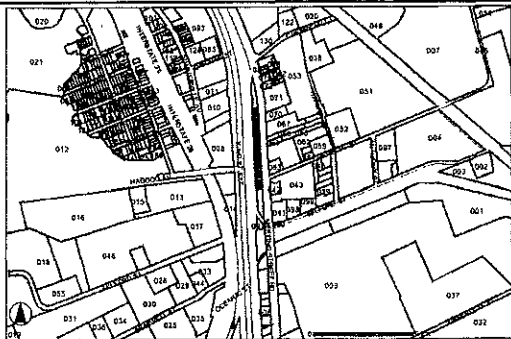


SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown. This Survey is not valid unless it bears the original signature and seal of the surveyor and is determined by coordinate method.

A.H. Schwacke, R. P.L.S.
S.C. Registration Number 13855

PROJECT02\05798



LOCATION MAP
-NTS-

NOTES:

BEARINGS SHOWN ARE MAGNETIC
AND AS SUCH ARE SUBJECT TO LOCAL
ATTRACTION
AREA DETERMINED BY COORDINATE METHOD
THE PUBLIC RECORDS REFERENCED ON THIS PLAT
ARE ONLY THOSE USED AND/OR NECESSARY TO THE
ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY.
THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH
ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS
PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS
OF ENGINEERS JURISDICTIONAL WETLANDS IS
UNDETERMINED AS OF THE DATE OF THIS SURVEY

PROPERTY IS LOCATED IN FLOOD ZONE "X" (LOCATED
OUTSIDE THE 500 YR FLOOD PLAN) AS PER FEMA
FLOOD MAPS:
FEMA No. 45010C0504J
DATED NOVEMBER 17, 2004
COMMUNITY No. 455412

WATER SERVICE PROVIDED BY CHARLESTON WATER SYSTEM
SEWER SERVICE PROVIDED BY NORTH CHARLESTON SEWER DISTRICT

#1799 & #1819 MEETING STREET WILL HAVE
A CROSS-ACCESS EASEMENT AND A DRAINAGE
EASEMENT

LEGEND:

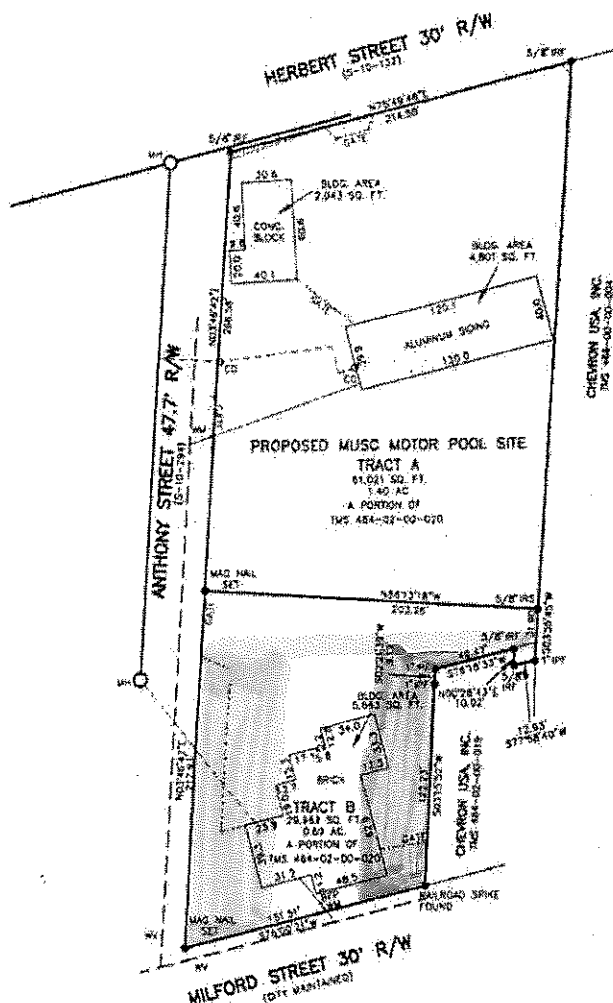
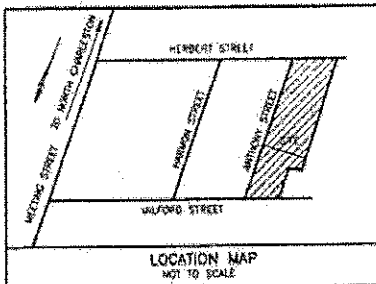
I.O. IRON OLD (FOUND)
I.N. IRON NEW (SET)
C.M.O. CONCRETE MONUMENT OLD
F.H. FIRE HYDRANT
C.S. CONCRETE SLAB
P.P. POWER POLE

PLAT SHOWING
THE SUBDIVISION OF
PARCEL 1 (1.17 AC)
INTO THREE LOTS
#1799, #1819, & #1831
MEETING STREET
CITY OF CHARLESTON
CHARLESTON COUNTY SOUTH CAROLINA



DATE: APRIL 18, 2006 SCALE: 1" = 50'

REVISED: MAY 26, 2008



NOTE: WATER IS PROVIDED BY CPW.
SEWER IS PROVIDED BY
NORTH CHARLESTON SEWER
DISTRICT.

Charleston South Carolina
Office of Register Messrs Conveyance
Plat recorded this 8 day of August, 2006 at
1:03 o'clock in PM in Book 1111 Page 321 and using cloth
copy filed in File 1, District 1, Volume 28, Drawing No. 92.
Original plat (a White Plat) delivered to City of Charleston.

Chris Fland
Register Messrs Conveyance

REFERENCES RECORDED IN THE CHARLESTON COUNTY REC OFFICE
1. DEED RECORDED IN BOOK 1111 PAGE 321
2. DEED RECORDED IN BOOK 1111 PAGES 319 & 320
3. PLAT BY JOSEPH NEEDLE DATED JULY 3, 1935
RECORDED IN PLAT BOOK F PAGE 30
4. PLAT BY W. L. GALLARD DATED FEB. 10, 1955
RECORDED IN DEED BOOK 1122 PAGE 327
5. PLAT BY GEORGE D. SAWYER DATED JAN. 9, 1980
RECORDED IN DEED BOOK 1122 PAGE 327
6. PLAT BY PRECISION LAND SURVEYING CO. DATED FEB. 27, 1987
RECORDED IN PLAT BOOK 99 PAGE 53
7. PLAT BY GEORGE A. Z. JOHNSON, JR., INC. DATED MAY 3, 1991
REVISED AUG. 23, 1991 RECORDED IN PLAT BOOK OF PAGE 198
8. PLAT BY E. M. SEABROOK, JR., INC. DATED APRIL 17, 1997
RECORDED IN PLAT BOOK 12 PAGE 158

HIBERNIAN HEIGHTS CITY OF CHARLESTON CHARLESTON COUNTY, S. C.

SUBDIVISION PLAT OF A 2.09 ACRE TRACT
INTO A 1.40 ACRE TRACT A
OWNED BY CHARLESTON NECK PARTNERS, LLC
ABOUT TO BE CONVEYED TO MUSC
AND A 0.69 ACRE TRACT B
OWNED BY CHARLESTON NECK PARTNERS, LLC
ABOUT TO BE CONVEYED TO
HIBERNIAN HEIGHTS, LLC

SCALE: 1"=50'

SEPT. 14, 2005

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

Eric E. Seabrook
ERIC E. SEABROOK
CH. ENGINEER & LAND SURVEYOR
S. C. REG. NO. 00950
P. O. BOX 98
MOUNT PLEASANT, S. C. 29485
(843) 884-4498



E. M. SEABROOK, JR., INC.
ENGINEERS-SURVEYORS-PLANNERS
1001 JORDAN BOULEVARD, P.O. BOX 50
MOUNT PLEASANT, S. C. 29403
PHONE (843) 884-4498

LEGEND
IRP IRON PIPE FOUND
IRF IRON REBAR FOUND
IRS IRON REBAR SET
CO CLEARED
WV WATER VALVE
WV WATER VALVE
LH LAMP
BFP BACK FLOW PREVENTER

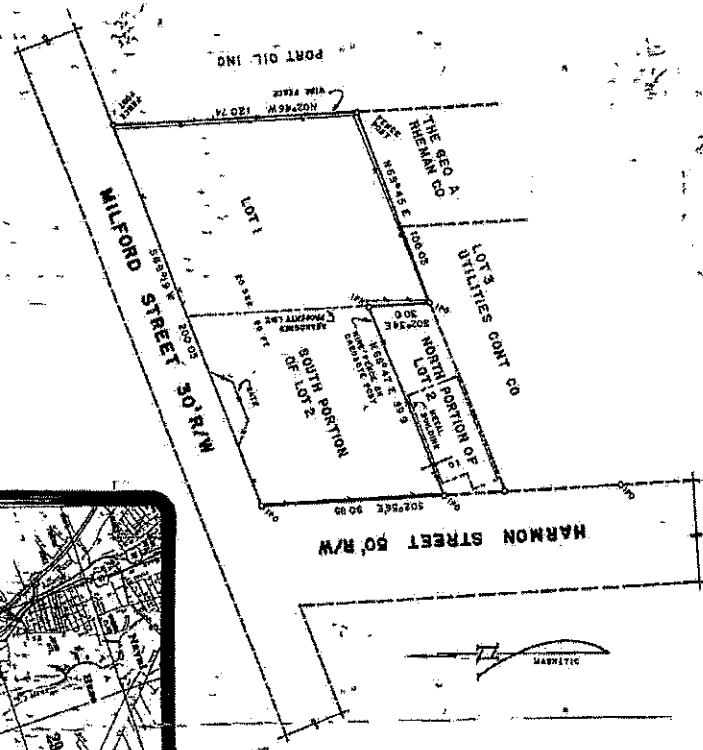
NOTES:
1. AREA DETERMINED BY COORDINATES.
2. BASED ON INTERPRETATION OF FEMA FLOOD INSURANCE RATE MAP NUMBER 48018C 2504, DATED NOVEMBER 17, 2004. THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X (AREA OUTSIDE 500 YEAR FLOOD PLAIN).

DF-045

44/55



LOCATION MAP



Charleston, South Carolina
 Office of Register M. M. Comyngham
 This receipt is for the sum of \$500.00
 2114 a check in full for the sum of \$500.00
 copy filed in file # 100-100000-100000
 No. 100-100000-100000
 to the 100-100000-100000
 1963

(1) DATED DATED FEBRUARY 2, 1937
RECORDED BOOK 118 PAGE 21
R. M. CHARLESTON COUNTY, S. C.

(2) PLAT BY JOSEPH NEEDLE
DATED JULY 3, 1936
RECORDED BOOK F PAGE 4D
R. C. CHARLESTON COUNTY, S. C.

(3) PLAT BY W. L. GAILLARD
DATED NOVEMBER 23, 1946
RECORDED BOOK 47 PAGE 251
R. M. CHARLESTON COUNTY, S. C.

(4) PLAT BY E. H. SEABROOK, JR.
DATED MARCH 19, 1962
(NOT RECORDED)

Robert H. King
Register Mine Conference

PLAT OF SURVEY OF LOT 1 AND THE
SOUTH PORTION OF LOT 2
HIBERNIAN HEIGHTS
CHARLESTON COUNTY, SOUTH CAROLINA

AUGUST 23, 1983

SCALE 1^H = 40'

Legal Descriptions

Gateway Properties of Greater Charleston, LLC

ALL that certain piece, parcel, or lot of land, together with the buildings and improvements located thereon, situate, lying and being in the City of Charleston, County of Charleston, State of South Carolina, and being shown and designated as "#1799 MEETING STREET 24101.7 SQ. FT. 0.55 ACRES", on a plat prepared by A.H. Schwacke, III, PLS entitled "PLAT SHOWING THE SUBDIVISION OF PARCEL 1 (1.17 AC) INTO THREE LOTS #1799, #1819, & 1831 MEETING STREET CITY OF CHARLESTON CHARLESTON COUNTY SOUTH CAROLINA" dated April 18, 2006, revised May 26, 2006 and recorded May 10, 2007 in Plat Book DF at Page 568 in the RMC Office for Charleston County, South Carolina. Said tract having such size, shape, dimensions, buttings and boundings as will more fully appear by reference to said plat.

TMS#: 464-02-00-017

Hibernian Heights, LLC

ALL that certain piece, parcel, or lot of land, together with the buildings and improvements located thereon, situate, lying and being in the City of Charleston, County of Charleston, State of South Carolina, and being shown and designated as "TRACT B, 29,936 SQ FT 0.69 ACRES" on a plat prepared by E M Seabrook Jr, Inc entitled "SUBDIVISION PLAT OF 2.09 ACRE TRACT INTO A 1.40 ACRE TRACT A OWNED BY CHARLESTON NECK PARTNERS, LLC ABOUT TO BE CONVEYED TO MUSC AND A 0.69 ACRE TRACT B OWNED BY CHARLESTON NECK PARTNERS, LLC ABOUT TO BE CONVEYED TO HIBERNIAN HEIGHTS, LLC" dated September 14, 2005 and recorded April 6, 2006 in Plat Book DF at Page 045 in the RMC Office for Charleston County, South Carolina. Said tract having such size, shape, dimensions, buttings and boundings as will more fully appear by reference to said plat.

SUBJECT TO all matters that could be revealed by a current survey of the subject property and all valid and subsisting matters of record including any covenants, restrictions and easements of record.

TMS#: 464-02-00-020

Christopher Frazier

ALL that certain piece, parcel, lot or tract of land, with any improvements thereon, situate, lying and being in Charleston County, South Carolina, shown and designated as "Lot 1" and "South Portion of Lot 2" on a plat by James R. Bagley, Jr., dated August 23, 1983, entitled in part "Port Oil Inc. Plat of Survey of Lot 1 and the South Portion of Lot 2 Hibernian Heights Charleston County, South Carolina," and recorded in Plat Book AY at Page 55 in the RMC Office for Charleston County, South Carolina. Said property having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference be all the dimensions and measurements shown thereon a little more or less.

TMS No. 464-02-00-092

Chain of Title

TMS Numbers: 464-02-00-017
Meeting Street, Charleston, SC 29405

Mailing Addresses of Former Owners, Operators, and Potentially Responsible Parties

1. Gateway Properties of Greater Charleston, LLC, 768 Mildenhall Road, Mt Pleasant, SC 29464
2. Fabian Properties, LP, 670 Libby's Point, Mt Pleasant, SC 29464
3. George W. Fabian, Jr.,
4. Maggie Magwood

Chain of Title

TMS Number: 464-02-00-017

Current Owner: Gateway Properties of Greater Charleston, LLC

<u>Book</u>	<u>Page</u>	<u>Instrument</u>	<u>Notes</u>
S584	137	By Deed from Fabian Properties, LP to Gateway Properties of Greater Charleston, LLC on May 15, 2006 and recorded on May 24, 2006.	
C484	679	By Deed from George W. Fabian Jr. to Fabian Properties LP on January 10, 1995 and recorded on February 13, 2004.	
		BY WILL, PROBATE: From the Estate of Maggie Magwood to George W. Fabian, Jr. (her death: June 1960)	Estate number 876-141
K57	489	By Deed from Colin McK. Rose to Maggie Magwood on October 4, 1940 and recorded on July 23, 1953.	

Owner:	From:	To:
Gateway Properties of Greater Charleston, LLC	May 24, 2006	Present
Fabian Properties, LP	February 13, 2004	May 24, 2006
George W. Fabian Jr.	grandmother's death, June 1960	February 13, 2004
Maggie Magwood	July 23, 1953	her death, June 1960

Chain of Title

TMS Numbers: 464-02-00-020; YELLOW CHAIN
1890 Milford Street, Charleston, SC 29405

Mailing Addresses of Former Owners, Operators, and Potentially Responsible Parties

1. Hibernian Heights, LLC, 1890 Milford Street, Charleston, South Carolina 29405
2. Charleston Neck Partners, LLC, 1640 Omni Blvd., Mt. Pleasant, South Carolina 29466
3. Sumter Utilities, Inc. f/k/a Sumter Builders, Inc. f/k/a Utilities Construction Co., Inc. f/k/a Quanta XLIV Acquisition, Inc. f/k/a Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc., of South Carolina, 1890 Milford Street, Charleston, South Carolina 29405
4. Jennie S. Ackerman
5. William C. Smith and William Ray Smith
6. Horace M. Dobbins (As to Northern P/O Lot 22 ONLY)
7. Agnes D. Smith
8. Narva Corporation

Chain of Title

TMS Number: 464-02-00-020

Current Owner: Hibernian Heights LLC

<u>Book</u>	<u>Page</u>	<u>Instrument</u>	<u>Notes</u>
V580	243	By Deed from Charleston Neck Partners, LLC to Hibernian Heights, LLC on April 18, 2006 and recorded on April 25, 2006.	
C557	345	By Deed from Sumter Utilities, Inc. to Charleston Neck Partners, LLC on September 28, 2005 and recorded on October 7, 2005.	

N111	131	By Corrective Deed from Utilities Construction Company, Inc., of South Carolina to Utilities Construction Co., Inc., of South Carolina on February 1, 1977 and recorded on February 2, 1977.	
G84	5	By Deed from Jennie S. Ackerman to Utilities Construction Co., Inc. of South Carolina on November 4, 1965 and recorded on November 8, 1965.	(YELLOW CHAIN: Northern P/O Lot 22 and Eastern P/O Lot 23)
078	260	By Master's Deed to Jennie S. Ackerman on January 23, 1963 and recorded on January 25, 1963	(YELLOW CHAIN: Northern P/O Lot 22) Re: Foreclosure against heirs of Agnes D. Smith, William Ray Smith and William C. Smith, Judgement Number 17-04 dated December 7, 1962.
S49	599	By Deed from Horace M. Dobbins to William C. Smith on November 10, 1948 and recorded November 16, 1948.	(YELLOW CHAIN: Northern P/O Lot 22)
F49	281	By Deed from Agnes D. Smith to Horace M. Dobbins on March 27, 1948.	(YELLOW CHAIN: Northern P/O Lot 22)

078	259	By Master's Deed to Jennie S. Ackerman on January 23, 1963 and recorded on January 25, 1963	(YELLOW CHAIN: Eastern P/O Lot 23) Re: Foreclosure against heirs of Agnes D. Smith, William Ray Smith and William C. Smith, Judgement Number 17-05 dated November 24, 1962.
B43	652	By Deed from Narva Corporation to Agnes D. Weeks on July 2, 1942 and recorded on July 3, 1942.	COMMON DEED FOR ALL CHAINS: Lots 22, 23, and 24.

Owner:

Hibernian Heights LLC
Charleston Neck Partners

Sumter Utilities Inc,
f/k/a Sumter Builders, Inc.,
f/k/a Utilities Construction Co., Inc.,
f/k/a Quanta XLIV Acquisition, Inc.,
f/k/a Utilities Construction Co., Inc.
of South Carolina a/k/a Utilities
Construction Company, Inc.,
of South Carolina

From:

April 25, 2006
October 7, 2005

To:

Present
April 25, 2006

November 8, 1965

October 7, 2005

Jennie S. Ackerman (N. p/o lot 22 &
E. p/o lot 23)

January 25, 1963

November 8, 1965

William C. Smith (N. p/o lot 22)

November 16, 1948

January 25, 1963

Horace M. Dobbins (N. p/o lot 22)

March 27, 1948

November 16, 1948

Agnes D. Smith (N. p/o lot 22)

July 3, 1942

March 27, 1948

Agnes D. Smith (E. p/o lot 23)

July 3, 1942

her death 8-16-1959

Chain of Title

TMS Numbers: 464-02-00-020; PINK CHAIN
1890 Milford Street, Charleston, SC 29405

Mailing Addresses of Former Owners, Operators, and Potentially Responsible Parties

1. Hibernian Heights, LLC, 1890 Milford Street, Charleston, South Carolina 29405 (ALL LOTS)
2. Charleston Neck Partners, LLC, 1640 Omni Blvd., Mt. Pleasant, South Carolina 29466 (ALL LOTS)
3. Sumter Utilities, Inc. f/k/a Sumter Builders, Inc. f/k/a Utilities Construction Co., Inc. f/k/a Quanta XLIV Acquisition, Inc. f/k/a Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc., of South Carolina, 1890 Milford Street, Charleston, South Carolina 29405 (ALL LOTS)
4. Sarah H Melfi (As to Southern P/O Lot 22 and Western P/O Lot 23 ONLY)
5. Leonard T. Melfi (As to Southern P/O Lot 22 and Western P/O Lot 23 ONLY)
6. Edward K. Pritchard, Jr., Trustee for Edward K. Pritchard, Jr. (As to Southern P/O Lot 22 ONLY)
7. Julia M. Pritchard (As to Southern P/O Lot 22 ONLY)
8. Thomas E. Browning (As to Southern P/O Lot 22 ONLY)
9. Erma Lee Herbert (As to Southern P/O Lot 22 ONLY)
10. J. Edwin Schachte and Frank B. Schachte, Executors of the Estate of Clarence B. Schachte (As to Western P/O Lot 23 ONLY)
11. Clarence B. Schachte (As to Western P/O Lot 23 ONLY)
12. Carolina Express Inc. (As to Western P/O Lot 23 ONLY)
13. William C. Smith (As to Western P/O Lot 23 ONLY)
14. Mamie Susie Pelham (As to Western P/O Lot 23 ONLY)
15. Agnes D. Smith (ALL LOTS)
16. Narva Corporation (ALL LOTS)

Chain of Title

TMS Number: 464-02-00-020

Current Owner: Hibernian Heights LLC

<u>Book</u>	<u>Page</u>	<u>Instrument</u>	<u>Notes</u>
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V580	243	By Deed from Charleston Neck Partners, LLC to Hibernian Heights, LLC on April 18, 2006 and recorded on April 25, 2006.	
C557	345	By Deed from Sumter Utilities, Inc. to Charleston Neck Partners, LLC on September 28, 2005 and recorded on October 7, 2005.	
N111	131	By Corrective Deed from Utilities Construction Company, Inc., of South Carolina to Utilities Construction Co., Inc., of South Carolina on February 1, 1977 and recorded on February 2, 1977.	
L84	72	By Deed from Sarah H. Melfi to Utilities Construction Co., Inc., of South Carolina on December 1, 1965 and recorded on December 2, 1965.	PINK CHAIN: Southern P/O Lot 22 and Western P/O Lot 23
M66	163	By Deed from Leonard T. Melfi to Sarah H. Melfi on September 24, 1958 and recorded on September 25, 1958.	PINK CHAIN: Southern P/O Lot 22 and Western P/O Lot 23
F64	530	By Deed from Edward K. Pritchard, Jr., Trustee for Edward K. Pritchard, Jr. to Leonard T. Melfi on April 16, 1957 and recorded on April 17, 1957.	PINK CHAIN: Southern P/O Lot 22

W60	367	By Deed from Julia M. Pritchard to Edward K. Pritchard, Jr., Trustee for Edward K. Pritchard, Jr. on XX and recorded on XXX.	PINK CHAIN: Southern P/O Lot 22
A60	533	By Deed from Thomas E. Browning to Julia M. Pritchard on October 9, 1954 and recorded on January 5, 1955.	PINK CHAIN: Southern P/O Lot 22
F47	455	By Deed from Erma Lee Herbert to Thomas E. Browning on November 13, 1946 and recorded on November 13, 1946.	PINK CHAIN: Southern P/O Lot 22
V46	543	By Deed from Agnes D. Smith to Erma Lee Herbert on July 9, 1946 and recorded on November 12, 1946.	PINK CHAIN: Southern P/O Lot 22
F64	532	By Deed from J. Edwin Schachte and Frank B. Schachte, Executors of the Estate of Clarence B. Schachte to Leonard T. Melfi on April 16, 1957 and recorded April 17, 1957.	PINK CHAIN: Western P/O Lot 23 PROBATE: File # 855-14
E50	377	By Masters Deed against Carolina Express Inc. to Clarence B. Schachte on November 23, 1948 and recorded November 26, 1948.	PINK CHAIN: Western P/O Lot 23
D47	225	By Deed from William C. Smith to Carolina Express Inc on October 25, 1946 and recorded on October 25, 1946.	PINK CHAIN: Western P/O Lot 23

G45	623	By Deed from Mamie Susie Pelham to William C. Smith on January 31, 1945 and recorded on February 5, 1945.	PINK CHAIN: Western P/O Lot 23
P44	13	By Deed from Agnes D. Smith to Mamie Susie Pelham on October 13, 1943 and recorded on October 19, 1943.	PINK CHAIN: Western P/O Lot 23
B43	652	By Deed from Narva Corporation to Agnes D. Weeks on July 2, 1942 and recorded on July 3, 1942.	COMMON DEED FOR ALL CHAINS: Lots 22, 23, and 24.

Owner:	From:	To:
Hibernian Heights LLC (all lots)	April 25, 2006	Present
Charleston Neck Partners (all lots)	October 7, 2005	April 25, 2006
Sumter Utilities Inc, f/k/a Sumter Builders, Inc., f/k/a Utilities Construction Co., Inc., f/k/a Quanta XLIV Acquisition, Inc., f/k/a Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc., of South Carolina (all lots)	December 2, 1965	October 7, 2005
Sarah H. Melfi (S. p/o Lot 22 & W. p/o Lot 23)	September 25, 1958	December 2, 1965
Leonard T. Melfi (S. p/o Lot 22 & W. p/o Lot 23)	April 17, 1957	September 25, 1958
Edward K. Pritchard, Jr., Trustee for Edward K. Pritchard, Jr. (S. p/o Lot 22)	January 3, 1956	April 17, 1957
Julia M. Pritchard (S. p/o Lot 22)	January 5, 1955	January 3, 1956

Thomas E. Browning (S. p/o Lot 22)	November 13 1946	January 5, 1955
Erma Lee Herbert (S. p/o Lot 22)	November 12, 1946	November 13, 1946
Agnes D. Smith (S. p/o Lot 22)	July 3, 1942	November 12, 1946
J. Edwin Schachte and Frank B. Schachte, Executors of the Estate of Clarence B. Schachte (W. p/o Lot 23)	his death	April 17, 1957
Clarence B. Schachte (W. p/o Lot 23)	November 26, 1948	his death
Carolina Express Inc (W. p/o Lot 23)	October 25, 1946	November 26, 1948
William C. Smith (W. p/o Lot 23)	February 5, 1945	October 25, 1946
Mamie Susie Pelham (W. p/o Lot 23)	October 19, 1943	February 5, 1945
Agnes D. Smith (W. p/o Lot 23)	July 3, 1942	October 19, 1943

Chain of Title

TMS Numbers: 464-02-00-020; GREEN CHAIN
1890 Milford Street, Charleston, SC 29405

Mailing Addresses of Former Owners, Operators, and Potentially Responsible Parties

1. Hibernian Heights, LLC, 1890 Milford Street, Charleston, South Carolina 29405
2. Charleston Neck Partners, LLC, 1640 Omni Blvd., Mt. Pleasant, South Carolina 29466
3. Sumter Utilities, Inc. f/k/a Sumter Builders, Inc. f/k/a Utilities Construction Co., Inc. f/k/a Quanta XLIV Acquisition, Inc. f/k/a Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc., of South Carolina, 1890 Milford Street, Charleston, South Carolina 29405
4. Jamie L. Nettles
5. Clifford T. Nettles
6. Agnes D. Smith
7. W. H. Weeks and Lila A. Weeks
8. Agnes D. Smith
9. Narva Corporation

Chain of Title

TMS Number: 464-02-00-020

Current Owner: Hibernian Heights LLC

<u>Book</u>	<u>Page</u>	<u>Instrument</u>	<u>Notes</u>
V580	243	By Deed from Charleston Neck Partners, LLC to Hibernian Heights, LLC on April 18, 2006 and recorded on April 25, 2006.	
C557	345	By Deed from Sumter Utilities, Inc. to Charleston Neck Partners, LLC on September 28, 2005 and recorded on October 7, 2005.	

N111	131	By Corrective Deed from Utilities Construction Company, Inc., of South Carolina to Utilities Construction Co., Inc., of South Carolina on February 1, 1977 and recorded on February 2, 1977.	
C84	107	By Deed from Jamie L. Nettles to Utilities Construction Co., Inc., of South Carolina on October 19, 1965 and recorded on October 20, 1965.	GREEN CHAIN: Western P/O Lot 24
M52	13	By Deed from Clifford T. Nettles to Jamie L. Nettles on July 19, 1950 and recorded on April 20, 1950.	GREEN CHAIN: Western P/O Lot 24
T50	9	By Deed from Jamie L. Nettles to Clifford T. Nettles on March 28, 1949.	GREEN CHAIN: Western P/O Lot 24
E47	675	By Deed from Agnes D. Smith to Jamie L. Nettles on November 30, 1946 and recorded on January 28, 1947.	GREEN CHAIN: Western P/O Lot 24
Z44	677	By Deed from W.H. Weeks and Lila A. Weeks to Agnes D. Smith on June 13, 1944.	GREEN CHAIN: Western P/O Lot 24
C44	275	By Deed from Agnes D. Smith to W. H. Weeks and Lila A. Weeks on March 15, 1943 and recorded on April 29, 1943.	GREEN CHAIN: Western P/O Lot 24

B43	652	By Deed from Narva Corporation to Agnes D. Weeks on July 2, 1942 and recorded on July 3, 1942.	COMMON DEED FOR ALL CHAINS: Lots 22, 23, and 24.
-----	-----	--	--

Owner:	From:	To:
Hibernian Heights LLC	April 25, 2006	Present
Charleston Neck Partners	October 7, 2005	April 25, 2006
Sumter Utilities Inc, f/k/a Sumter Builders, Inc., f/k/a Utilities Construction Co., Inc., f/k/a Quanta XLIV Acquisition, Inc., f/k/a Utilities Construction Co., Inc. of South Carolina a/k/a Utilities Construction Company, Inc., of South Carolina	October 20, 1965	October 7, 2005
Jamie L. Nettles	April 20, 1950	October 20, 1965
Clifford T. Nettles	March 28, 1949	April 20, 1950
Jamie L. Nettles	January 28, 1947	March 28, 1949
Agnes D. Smith	June 13, 1944	January 28, 1947
W. H. Week and Lila A. Weeks	April 29, 1943	June 13, 1944
Agnes D. Smith	July 3, 1942	April 29, 1943

Chain of Title

TMS Numbers: 464-02-00-092
1932 Milford Street, Charleston, SC 29405

Mailing Addresses of Former Owners, Operators, and Potentially Responsible Parties

1. Joan P. Frazier and Christopher G. Frazier, 1249 Robin Rd., Mt Pleasant, SC 29464
2. Jeffrey Allen Romfo, 100 Queens Court, Goosecreek, SC 29445
3. William James Lynch Jr., 13 Riverside Drive, Charleston, SC 29403
4. Marathon Oil Company, 539 South Main Street, Findlay, OH 45840
5. Ermo Marketing Company (successor by merger to Port Oil Inc.), 539 South Main Street, Findlay, OH 45840
6. Utilities Construction Co., Inc. of South Carolina aka Utilities Construction Company, Inc., of South Carolina, P.O. Box 31819, Charleston, SC 29407, 1890 Milford Street, Charleston, SC 29405
7. D.C. Cordray
8. Hedwig R. Cordray
9. Narva Corpoartion
10. Agnes D. Smith

Chain of Title

TMS Number: 464-02-00-092

Current Owner: Hibernian Heights LLC

<u>Book</u>	<u>Page</u>	<u>Instrument</u>	<u>Notes</u>
T566	898	By Deed from Jeffrey Allen Romfo and William James Lynch Jr. to Joan P. Frazier and Christopher G. Frazier on December 20, 2005 and recorded December 21, 2005.	
W522	356	By Deed from Marathon Oil Company to Jeffrey Allen Romfo and William James Lynch, Jr. on January 13, 2005 and recorded on January 19, 2005	

V297	195	By Deed from Emro Marketing Company (successor by merger to Port Oil Inc.) to Marathon Oil Company on December 18, 1997 and recorded on February 24, 1998	Articles of Merger filed in Book 0168, page 196
A133	311	By Deed from Utilities Construction Co., Inc. of South Carolina to Port Oil Inc. on September 20, 1983 and recorded on September 20, 1983	
N111	131	By Corrective Deed from Utilities Construction Company, Inc., of South Carolina to Utilities Construction Co., Inc. of South Carolina on February 1, 1977 and recorded on February 2, 1977	
K76	49	By Deed from D.C. Cordray to Utilities Construction Co., Inc. of South Carolina on April 4, 1962 and recorded April 5, 1962	
M62	398	By Deed from Hedwig R. Cordray to D.C. Cordray on July 12, 1956 and recorded on July 12, 1956	
J50	139	By Deed from D.C. Cordray to Hedwig R. Cordray on January 19, 1949 and recorded on January 20, 1949	

T43	461	By Deed from Narva Corporation to D.C. Cordray on June 30, 1943 and recorded July 14, 1943	As to Lot One, Plat Book F, page 30 ONLY
C44	537	By Deed from Agnes D. Smith to D.C Cordray on July 13, 1943 and recorded on July 14, 1943	As to Lot Two, Plat Book F, page 30 ONLY

Owner:	From:	To:
Joan P. Frazier and Christopher G. Frazier	December 21, 2005	Present
Jeffrey Allen Romfro and William James Lynch Jr.	January 19, 2005	December 21, 2005
Marathon Oil Company	February 24, 1998	January 19, 2005
Ermo Marketing Company (successor by merger to Port Oil Inc.)	September 20, 1983	February 24, 1998
Utilities Construction Co., Inc. of South Carolina aka Utilities Construction Company, Inc., of South Carolina	April 5, 1962	September 20, 1983
D. C. Cordray	July 12, 1956	April 5, 1962
Hedwig R. Cordray	January 20, 1949	July 12, 1956
D. C. Cordray	July 14, 1943	January 20, 1949
Narva Corporation (Lot 1)		July 14, 1943
Agnes D. Smith (Lot 2)	May 19, 1942	July 14, 1943

RECEIVED

May 19, 2017

MAY 22 2017

VIA Federal Express

Mr. Jerry Stamps
Brownfields/Voluntary Cleanup Program
Division of Site Assessment, Remediation, and Revitalization
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
301 Gervais Street
Columbia, South Carolina 29201

SITE ASSESSMENT,
REMEDICATION &
REVITALIZATION

Re: Submittal of NRP-VCC Application
Off-Base Parcels - Group C
TMS Number 469-16-00-392
Palmetto Railways
PLF File No.: 339-007

Dear Mr. Stamps,

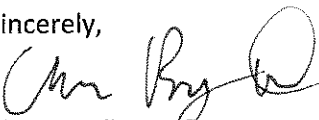
On behalf of the South Carolina Department of Commerce, division of Public Railways d/b/a Palmetto Railways ("Railways"), I am hereby submitting Railways' Non Responsible Party Application for Voluntary Cleanup Contract to the South Carolina Department of Health and Environmental Control for approximately .10 acre parcel, identified as TMS Numbers 469-16-00-392, in North Charleston, Charleston County, South Carolina which is part of the parcels for the berm structure for the Naval Base Intermodal Facility.

Enclosed are the following:

1. Non Responsible Party Application for Voluntary Cleanup Contract;
2. A plat and legal description describing the property to be covered;
3. A list of previous owners, operators, and potentially responsible parties; and
4. CD of S&ME's Phase 1 Environmental Site Assessment Report for the Off-Base Parcels - Group C.

If you have any questions or need further information, please contact me as set forth above.

Sincerely,


Chaun William Pflug

cc: Tarek Ravenel, Director of Facilities & Special Projects



Non Responsible Party Application for Voluntary Cleanup Contract

I. Applicant Information

1. Applicant is a: ☐ Single Entity ☐ Co-Entity (Each Co-Entity must complete items 1-8)
2. Applicant Type: ☐ Private Individual /Sole Proprietorship ☐ For-profit Business (Corp., Partnership, etc.) ☐ Tax-Exempt Trust/ Corporation/ Organization ☒ Government / Other Public Funded Entity
3. Applicant's Legal Name The South Carolina Department of Commerce, Division of Public Railways d/b/a Palmetto Railways

4. Contract Signatures for this Applicant

a. Authorized Signatory

Tarek Ravenel Director Facilities & Special Project TRavenel@PalmettoRail.com

Name	Title	Email
540 East Bay Street	843-727-2067	
Address	Phone1	Phone2
Charleston	SC	29403
City	State	Zip

b. Other Signatories ☒ None

Name	Title	Phone	Email	Signature Required On Contract?
		() -		<input type="checkbox"/>
		() -		<input type="checkbox"/>
		() -		<input type="checkbox"/>

5. Physical Location of Applicant's Headquarters

540 East Bay Street

Street address	SC	Suite Number
Charleston		29403
City	State	Zip

6. Mailing address: ☒ Same as Authorized Signatory Go to question 7

Contact person (if different from Authorized Signatory)	Title
Street Number or PO Box	Phone1
City	State
Zip	Email

7. Company Structure Information ☒ Not-applicable (Local Government, Sole Proprietorship, Private Individual) - Go to Question #8

a. Company is Incorporated/ Organized/ Registered in _____ (state)

b. List all principals, officers, directors, controlling shareholders, or other owners with >5% ownership interest.

Attach additional pages if needed.

Name	Name

c. Is the applicant a subsidiary, parent or affiliate of any other business organization not otherwise identified on this form?

☐ Yes ☒ No

d. If yes, identify all affiliations: _____

8. Non-Responsible Party Certification

By signature below, it is affirmed that no person or entity identified anywhere above:

- Is a current owner of the property
- Is a Responsible Party for the site
- Is a parent, successor, or subsidiary of any Responsible Party or owner of the property
- Has had any involvement with the property in the past other than activities performed in anticipation of participation in the Voluntary Cleanup Program

Authorized Signatory

Co Signatories

II. Property Information

9. Location

a. Physical Address 1812 Iris Street, North Charleston, SC 29405

b. County Charleston

c. ☐ Property is outside any municipal boundaries ☒ Property is inside the municipal limits of North Charleston
(town/city)

10. List any Companies or Site names by which the Property is known

11. Total Size of Property Covered by this Contract .10 Acres

12. How many parcels comprise the Property? 1

13. Current Zoning (general description)

Multi-family

14. a. Does the property have any above- or below-ground storage tanks? ☐ Yes ☒ No

b. If Yes, provide information on the number and capacity of the tanks, their contents, and whether they will be retained, or closed and/or removed.

15. Parcel Information *Complete the information below for each Parcel (attach additional sheets if needed)*

a. Tax Map Parcel# 469-16-00-392
 b. Acreage .10
 c. Current Owner 1800 Iris Street LLC
 d. Owner Mailing Address 1645 C Ashley Crossing
#162 Charleston, SC
29414
 e. Contact Person for Access Chaun W. Pflug
 f. Access Person's Phone # 843-647-7774
 g. Is Parcel Currently Vacant? ☐ Yes ☒ No
 h. Buildings on the parcel? ☐ None
 (check all that apply) ☐ Demolished/Ruins
☒ Intact, To be demolished
☐ Intact, To be re-used
 i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
 (approx date)
☒ In operation: nature of the
 business laundry

a. Tax Map Parcel# _____
 b. Acreage _____
 c. Current Owner _____
 d. Owner Mailing Address _____
 e. Contact Person for Access _____
 f. Access Person's Phone # _____
 g. Is Parcel Currently Vacant? ☐ Yes ☐ No
 h. Buildings on the parcel? ☐ None
 (check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
 i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
 (approx date)
☐ In operation: nature of the
 business _____

a. Tax Map Parcel# _____
 b. Acreage _____
 c. Current Owner _____
 d. Owner Mailing Address _____
 e. Contact Person for Access _____
 f. Access Person's Phone # _____
 g. Is Parcel Currently Vacant? ☐ Yes ☐ No
 h. Buildings on the parcel? ☐ None
 (check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
 i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
 (approx date)
☐ In operation: nature of the
 business _____

a. Tax Map Parcel# _____
 b. Acreage _____
 c. Current Owner _____
 d. Owner Mailing Address _____
 e. Contact Person for Access _____
 f. Access Person's Phone # _____
 g. Is Parcel Currently Vacant? ☐ Yes ☐ No
 h. Buildings on the parcel? ☐ None
 (check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
 i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
 (approx date)
☐ In operation: nature of the
 business _____

a. Tax Map Parcel# _____
 b. Acreage _____
 c. Current Owner _____
 d. Owner Mailing Address _____
 e. Contact Person for Access _____
 f. Access Person's Phone # _____
 g. Is Parcel Currently Vacant? ☐ Yes ☒ No
 h. Buildings on the parcel? ☐ None
 (check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
 i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
 (approx date)
☐ In operation: nature of the
 business _____

a. Tax Map Parcel# _____
 b. Acreage _____
 c. Current Owner _____
 d. Owner Mailing Address _____
 e. Contact Person for Access _____
 f. Access Person's Phone # _____
 g. Is Parcel Currently Vacant? ☐ Yes ☐ No
 h. Buildings on the parcel? ☐ None
 (check all that apply) ☐ Demolished/Ruins
☐ Intact, To be demolished
☐ Intact, To be re-used
 i. Business/facility operations ☐ Never Operated on the parcel
☐ Not operating since _____
 (approx date)
☐ In operation: nature of the
 business _____

III. Property Redevelopment

16. Describe the intended re-use of the property:
(attach additional sheets if necessary)

Portion of the Naval Base Intermodal Facility ("NBIF"). Location of the Berm structure.

17. a. Will the future use include any chemical processes, petroleum or chemical storage and handling, on-site waste disposal, or generate any hazardous substances? ☐ Yes ☒ No
b. If Yes, identify the substances and discuss steps that will be taken to prevent their release to the environment.

18. Will redevelopment lead to the creation of permanent jobs on the property? ☒ Yes Anticipated Number TBD
☐ No

19. Projected Increase to the Tax Base as a result of this redevelopment: \$ TBD

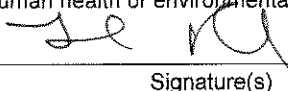
20. a. Will there be Intangible benefits from this redevelopment such as:
☐ LEED, Earth Craft, EnergyStar, or similar certification of Sustainable Development
☐ Creation / Preservation of Green Space on the Property
☐ Deconstruction/ Recycling of demolition or building debris
☒ Other Public purpose benefit to support the NBIF Project.

b. Please Describe:

21. Anticipated date of closing or acquiring title to the property Anticipated / Summer / 2017

22. Redevelopment Certification

By signature below, the applicant(s) affirm that their proposed use and activities will not knowingly aggravate or contribute to existing contamination or pose significant human health or environmental risks on the property.



Signature(s)

IV. Project Management And Financial Viability (Co-Entities, refer to instruction sheet)

23. Environmental Consulting Firm
☐ None as of this application date

S&ME, Inc.

Company

620 Wando Park Blvd.

Mt. Pleasant

SC

29464

Address

City

State

Zip

Chuck Black

17955

843-884-0005

cblack@smeinc.com

Project Contact1

S.C PE/PG Reg. #

Phone1

Phone 2

email

Andrew Wertz

22389

843-884-0005

awertz@smeinc.com

Project Contact 2

S.C PE/PG Reg. #

Phone1

Phone 2

email

24. Legal Counsel (Optional)
The Pflug Law Firm, LLC
Firm
Chaun W. Pflug 843-647-7774
Attorney Phone1 Phone 2
PO Box 801 Mt. Pleasant SC 29464 cpflug@pfluglaw.com
Street Number or PO Box City State Zip email

25. Applicant's Billing Address ☒ Same as Contact person in #6 above Go to question #26

Financial Contact Title
Company Phone
Address
City State Zip

26. **Financial Viability**

By signature(s) below, the applicant agrees to:

1. Pay the Department's costs upon receipt of invoices for implementing the Voluntary Cleanup Program for this Property, and
2. Provide financial statements, if requested, to document financial viability to conduct the response actions on the Property.

☒ Waiver Requested (Check Box If applicable)

The applicant is a Local Government or qualifies as a 501(c) Non-Profit Organization, and requests waiver of some Departmental costs of implementing this contract.

Signatures

V. Application Completion (The following are required along with this form. Check applicable boxes)

27. The Legal Description of the Property is attached as a: ☒ Plat Map ☐ Metes and Bounds Text ☐ Both

28. The Phase I Environmental Site Assessment Report is attached as a:

☒ New report completed in the past six months by S&ME, Inc.

(Name of Environmental Firm)

☐ Older report updated in the past six months by

(Name of Environmental Firm)

29. Environmental sampling data and other reports: (check one)

☐ The Applicant is not aware of any environmental testing on the property

☐ The Applicant believes the Department already has all environmental data in its files on:

(Site Name)

☒ The Following reports are attached:

Report Date
March 12, 2017

Report Name
Phase I Environmental Site Assessment
Off Base Tracts - Group C

Environmental Firm
S&ME, Inc.

30. Mailing addresses of Former Owners, Operators and other Potentially Responsible Parties:(check one)

☒ Enclosed with this Application as an Attachment

☐ Will be submitted along with (or before) the signed contract

31. The applicants attest by signature below that this application is accurate to their best knowledge. Furthermore, the applicants request DHEC evaluate the Property for inclusion in the Brownfields Voluntary Cleanup Program and draft a Non-Responsible Party Contract for the Property.

Signature(s)

This Section for Department Use Only

Assigned File Name

Eligible for NRP Contract

Y N

Assigned File Number

Assigned Contract Number

Exhibit A
Response to Section 17(b)

Where applicable the railway intermodal facility ("RIF") will have a Spill Prevention Control and Countermeasure ("SPCC") plan to provide management and on-going training for petroleum based or other oils stored on site. Containments will be inspected and secondary storage quantities will be calculated and constructed to insure that adequate storage and capture volume are present in case of a failure. The RIF will be required to obtain a NPDES permit and prepare and implement a Stormwater Pollution Prevention Plan ("SWPPP"). The permit and plan will include measures for minimizing impacts to stormwater and receiving waters, and will include requirements for inspections, periodic monitoring, and reporting.

RIF operations may include the shipping and receiving of hazardous materials, which will pass through RIF. Any management of hazardous materials will be in accordance with applicable OSHA, EPA, and DOT regulations.

Exhibit B
Response to Section 18

SIMONS & DEAN

ATTORNEYS AT LAW

147 WAPPOO CREEK DRIVE, SUITE 604 | CHARLESTON, SC 29412 | 843.762.9132 | FAX: 843.406.9913

Keating L. Simons, III klsimons@charlestonattorneys.net

Derek F. Dean dfdean@charlestonattorneys.net

May 19, 2017

Mr. Jerry Stamps
Brownfields Voluntary Cleanup Program
Bureau of Land and Waste Management, SCDHEC
2600 Bull Street
Columbia SC 29201

RE: VCC NRP Application – Palmetto Railways
Group C - Off-Base Parcels
TMS Number: 469-16-00-392
PLF File Number: 339-007

Dear Mr. Stamps:

I serve as general counsel to the South Carolina Department of Commerce, Division of Public Railways d/b/a Palmetto Railways (“PR”). In that regard, and in relation to PR’s proposed Naval Base Intermodal Facility (“NBIF”), and more particularly as relates to PR’s Voluntary Cleanup Contract - Non Responsible Party Application for the Off-Base Tracts - Group C - TMS Number 469-16-00-392, which are part and parcel thereof, I have been asked to provide you with a synopsis of the types of jobs that would be created as a result of the new NBIF.

The information set forth below was derived after consultation with PR’s engineering firm CDM Smith. CDM Smith as you may well know is a full service transportation and infrastructure consulting firm located in Columbia, South Carolina. PR has enjoyed a long and mutually collaborative relationship with CDM Smith.

This information was developed without the benefit of performing an economic study. Economic impact analysis typically measures the jobs, income and value-added associated with a facility’s construction (short-term) and operation (long-term), as well as user-industries (long-term) that transport goods through the facility. Facility construction and operation impact assessment is generally straightforward. However, much larger impacts could be associated with user-industries, which are more complicated to estimate.

Impact measures comprised of three types were used to developed the below list.

- Direct impacts – Associated with constructing the NBIF, its operations and industries that use the NBIF.
- Indirect impacts – The businesses that provide support materials and services to the NBIF construction, operation or user industries
- Induced impacts – The impacts associated with the local responding of *direct* and *indirect* earned income.

Jobs will be created during the construction and operation phase of the NBIF. While the construction jobs are short-term in nature relatively speaking, the NBIF operation jobs will endure through the foreseeable future. For simplicity we have combined the Direct and Indirect job Impacts as shown below:

1. Direct and Indirect Impacts:

Construction of the facility:

- a) Design Engineer; Engineers, Designers and Technicians/Draftsmen, Surveyors;
- b) Railroad, Road, Building Utility and Building Contractors and Subcontractors;
- c) Management Team; Project Manager, Administrative Personnel, Superintendents, Foremen;
- d) Material Suppliers, steel, concrete, asphalt, pipe, fuel, aggregate, ballast, cross ties;
- e) Equipment Suppliers; cranes, train engines, bull dozers, loaders, rollers, compactors, other vehicles, communications, electrical power components;
- f) Equipment Operators and Mechanics; track-hoes, dozers, cranes, lifts, rollers, pavers, water truck, track spiker, track tamper, track regulator;
- g) Trade specialists; truck drivers, plumbers, carpenters, electricians, welders, HVAC, painters, technicians;
- h) Materials Testing; all (asphalt, concrete, steel, aggregate, etc.;
- i) Laborers; all disciplines (rail construction, roadway and bridge construction, utility construction, building construction);
- j) Construction Oversight and Inspection; Resident Engineer, Inspectors specialized in concrete, asphalt, bridges, rail construction, utility construction, building construction, highway construction, surveyors.

Terminal Operations and Maintenance:

- a) Terminal management - terminal manager, supervisor(s), clerical help;
- b) Equipment operators - cranes, yard tractors, hostlers;
- c) Train and engine crews;
- d) Transport drivers;
- e) Maintenance men and repairman - terminal equipment and infrastructure, containers, railroad motive power and rolling stock;
- f) Gate attendants.

The induced job impacts span a wide range of consumer services since the impacts reflect the “responding” of wages and salaries earned by direct and indirect related impacts. These typically generate a much larger job impact than Direct and Indirect but require a more detailed study to estimate. Induced Impacts will include but not be limited to local consumer services

ranging from grocers to food service to legal services to furniture retailers and other types of services.

As originally conceived NBIF design and planning began in February 2011 and construction is anticipated to conclude during calendar year 2019 barring any unanticipated setbacks.

With best regards, I am

Yours very truly,

Derek F. Dean

DFD/

cc: Chaun Pflug, Esq. (via facsimile only)

Exhibit C
Section 17 - Plats & Legal Description

Legal Description

ALL that certain piece, parcel, tract, or lot of land, with the buildings and improvements located thereon, or to be built thereon, situate, lying and being in the County of Charleston, State of South Carolina, known and designated as LOT 14, BLOCK I, CHICORA PLACE SUBDIVISION, NORTH CHARLESTON; as show on a plat thereof made by James G. Pennington, PLS, dated April 07, 2004 and duly recorded in the Office of the RMC for Charleston County, South Carolina, in Plat Cabinet EH at age 058; SAID property having such size, shape, dimensions, buttings and boundings, as will by reference to said plat more fully and at large appear.

SUBJECT to any and all Restrictions, Covenants, Conditions, Easements and/or Rights of Way, and all other matters affecting subject property, of record in the Office of the RMC for Charleston County, South Carolina

Exhibit D
Section 28 – CD of Phase 1 Environmental Site Assessment Report & Updates

Answer to Question 30

Mailing addresses of Former Owners, Operators and other Potentially Responsible Parties

Chain of Title

TMS Numbers: 469-16-00-392
1812 Iris Street, North Charleston, SC 29405

Mailing Addresses of Former Owners, Operators, and Potentially Responsible Parties

Chain of Title

1. 1800 Iris Street, LLC, 2245 C Ashley Crossing Drive, Unit 162, Charleston, SC 29414
2. Iris Street Limited Partnership, PO Box 80308, Charleston, SC 29416-0308
 - a. John Seaman, 4392 Cloudmont Drive, Hollywood, SC 29449
3. John T. Abbate, 940 Magnolia Road, Charleston, SC 29407
4. F&W Enterprises, c/o Floy Harley, 900 East Village Way, Alpine, Utah 84003
5. Iris Street Apartments, A Limited Partnership, 1527 Highway 7, Charleston, SC 29407
6. Wayne E. Bowers, 1511 St. Helena Street, Charleston SC
7. Lorraine Moore Bowers, 1511 St Helena Street, Charleston, SC
8. Timothy W. Harley
9. Fred I. Harley
10. Barbara Harley
11. Frances Ashenbeck
12. Chicora Residence Corporation

TMS Number: 469-16-00-392

Current Owner: 1800 Iris Street, LLC

<u>Book</u>	<u>Page</u>	<u>Instrument</u>	<u>Notes</u>
J642	620	By Deed from Iris Street Limited Partnership to 1800 Iris Street, LLC on October 25, 2007 and recorded on October 26, 2007.	
M465	465	By Quit Claim Deed from John Seaman to Iris Street Limited Partnership on August 27, 2003 and recorded on September 3, 2003.	** Quit Claim Deed Book X397, Page 032: Installment Contract for Deed from John Seaman to Iris Street Limited Partnership

F307	344	By Deed from John T. Abbate to Iris Street Limited Partnership on May 26, 1998 and recorded on July 21, 1998.	Re-recorded in Book U397, page 496 on February 22, 2002.
Y172	444	By Deed from F&W Enterprises to John T. Abbate on March 1, 1988 and recorded on March 7, 1988.	
P162	369	By Deed from Iris Street Apartments, Limited Partnership to F&W Enterprises on February 20, 1987 and recorded on February 27, 1987.	
J131	325	By Deed from F&W Enterprises to Iris Street Apartments, Limited Partnership on April 27, 1983 and recorded on April 28, 1983.	
C125	258	By Deed from Wayne E. Bowers and Lorraine Moore Bowers to F&W Enterprises on December 17, 1980 and recorded on April 10, 1981.	
Z117	238	By Deed from F&W Enterprises to Wayne E. Bowers and Lorraine Moore Bowers on December 31, 1978 and recorded on January 10, 1979.	Subject to Mortgage to Carlton T and Janet H Woodard.
G81	290	By Deed from Timothy W. Harley to F&W Enterprises on September 1, 1964 and	Subject to 1/6 of obligations in two mortgages

		recorded on October 2, 1964.	
G81	291	By Deed from Fred I. Harley to F&W Enterprises on September 1, 1964 and recorded on October 2, 1964.	Transfer of 1/6 Interest Subject to 1/6 of obligations in two mortgages
G81	292	By Deed from Barbara F. Harley (aka Barbara I. Harley) to Timothy W. Harley on September 1, 1964 and recorded on October 2, 1964	Transfer of 1/6 Interest Subject to 1/6 of obligations in two mortgages
G81	293	By Deed from Barbara F. Harley (aka Barbara I. Harley) to F&W Enterprises on September 1, 1964 and recorded on October 2, 1964.	4/6 Interest Subject to Mortgage
G81	294	By Deed from Barbara F. Harley (aka Barbara I. Harley) to Fred I. Harley on September 1, 1964 and recorded on October 2, 1964.	1/6 Interest Subject to Mortgage
		From the Estate of Frances Aschenbeck to Barbara F. Harley on August 23, 1946.	Probate File #: 839-105
W36	56	By Deed from Emmett M. Walsh, as Bishop of Charleston, to Frances Aschenbeck on September 26, 1932.	

Owner:	From:	To:
1800 Iris Street, LLC	10-26-2007	Present
Clement Limited Partnership	9-13-2007	10-26-2007
Iris Street Limited Partnership	7-21-1998	9-13-2007
John Seaman		
John T. Abbate,	3-7-1988	7-21-1998
F&W Enterprises	2-27-1987	3-7-1988
Iris Street Apartments, LP	4-28-1983	2-27-1987
F&W Enterprises	4-10-1981	4-28-1983
Lorraine Moore Bowers & Wayne E. Bowers	1-10-1979	4-10-1981
F&W Enterprises	10-2-1964	1-10-1979
Timothy W. Harley	10-2-1964	10-2-1964
Fred I. Harley	10-2-1964	10-2-1964
Barbara Harley	Ashenbeck's death: 8-23-1946	10-2-1964
Frances Ashenbeck	9-26-1932	her death: 8-23-1946
Emmett M. Walsh, as Bishop of Charleston	Unknown	9-26-1932